

Notice of Allowability

Application No.

09/234,427

Examiner

Daniel Pan

Applicant(s)

INTRATER ET AL.

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/03/06.
2. ☒ The allowed claim(s) is/are 2-8 and 45-51 (claims 1,9,10, 11-44 have been canceled).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01/20/99
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DANIEL H. PAN
PRIMARY EXAMINER
GROUP

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Reasons for Allowance

None of the prior art of record teaches the combined detailed features of the shared bus, the shared memory array, the digital signal execution unit, the general purpose processor, and the selected sequence of the DSP instructions (claim 1 of issued patent) or the DSEU instructions (claim 45 of the instant application) as set forth in the claims.

Claim 45 of the instant application is a reissue which includes the feature of "the selected sequence of DSEU instructions including individual general purpose instructions" (claim 45 of the instant application). The word "including" (claim 45 of the instant application) is the broadening of the "consisting of" (claim 1 of issued patent). However, the reissue claim 45 of the instant application is materially narrowed in other respects to avoid the recapture rule. The reissue claim recites a broader form of a limitation added/argued during the original prosecution to overcome an art rejection, therefore, it claim may not be rejected under the recapture rule. In the present case, reissue claim 45 of the instant application is materially narrower in scope when compared to the claims cancelled during the original prosecution. The limitation "the selected sequence of DSP instructions consisting of individual general purpose instructions" was added to claim 16 of original application in the January 7, 1994 amendment to overcome the Davis et al. rejection, while reissue claim 45 of the instant application recites "the selected sequence of DSEU instructions including

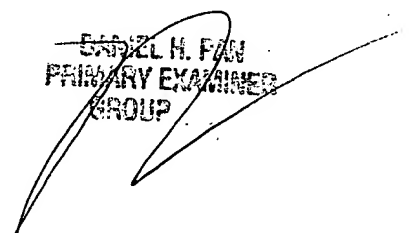
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individual general purpose instructions," which is a broadened form of the limitation, and narrower in scope (see the selected sequence of DSEU instructions including individual general purpose instructions) when compared to the cancelled claim. Therefore, claims may not be rejected on recapture grounds (See MPEP 1412.02(I)(C) and 1412.02(I)(C)(2)(d)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SAMUEL H. FAN
PRIMARY EXAMINER
GROUP

21 Century Strategic Plan